

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SAMUEL J. MARTIN, JR.,

Plaintiff,

vs.

STATE OF MONTANA,
et al.,

Defendants.

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8:06cv28

ORDER to SHOW CAUSE
(Service of Process)

This matter is before the court sua sponte. Fed. R. Civ. P. 4(m) establishes a time limit for service of process on the defendants in a civil case. In the court's Order on Initial Review directing the issuance of summons forms, the court notified the plaintiff of the deadline for service of process on the defendants. The plaintiff was warned that failure to return completed forms for timely service of process by the U.S. Marshal on the defendants could result in dismissal of this matter without prejudice. The deadline for service of process has now expired, and the court's records show no return of the forms for service of process and no proof of service of process on any defendant.

THEREFORE, IT IS ORDERED:

1. That by June 19, 2006, the plaintiff shall file a pleading entitled Response to Order to Show Cause explaining any reason the plaintiff may have why the above-entitled case should not be dismissed, without prejudice, for failure to obtain timely service of process on any defendant; and

2. That in the absence of a timely and sufficient Response to Order to Show Cause, this case may be subject, without further notice, to dismissal without prejudice by District Judge Laurie Smith Camp.

DATED this 6th day of June, 2006.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge